

REMARKS

The Official Action mailed August 21, 2003, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Two Month Extension of Time*, which extends the shortened statutory period for response to January 21, 2004. Accordingly, the Applicants respectfully submits that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on April 7, 1999, March 14, 2000, August 24, 2000, October 19, 2000, December 12, 2000, April 26, 2001, September 5, 2001, December 10, 2001, February 11, 2002, and September 17, 2002.

Claims 4, 9, 14, 20, 25-28 and 33-53 were pending in the present application prior to the above amendment. Claims 20, 26-28, 34, 35, 39-42, 44-50, 52 and 53 have been canceled, claims 4, 9 and 14 have been amended to better recite the features of the present invention, and new claims 54-66 have been added to recite additional protection to which the Applicants are entitled. Accordingly, claims 4, 9, 14, 25, 33, 36-38, 43, 51 and 54-66 are now pending in the present application, of which claims 4, 9, 14, 25, 33, 63 and 65 are independent. For the reasons set forth in detail below, are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 4, 9, 14, 20 and 22-53 under the doctrine of obviousness-type double patenting over claims 1-24 of U.S. Patent No. 5,612,799 to Yamazaki et al.

As stated in MPEP § 804, under the heading "Obviousness-Type," in order to form an obviousness-type double patenting rejection, a claim in the present application must define an invention that is merely an obvious variation of an invention claimed in the prior art patent, and the claimed subject matter must not be patentably distinct from the subject matter claimed in a commonly owned patent. Also, the patent principally underlying the double patenting rejection is not considered prior art.

The Applicants respectfully traverse the obviousness-type double patenting rejection because the independent claims of the present invention are patentably

distinct from the claims of Yamazaki '799. As is discussed in greater detail below, independent claims 4, 9 and 14 have been amended to better recite the features of the present invention. In light of this amendment, the Applicants respectfully traverse this ground for rejection and reconsideration of the pending claims is respectfully requested.

With respect to claims 25 and 33, the Official Action asserts that "the first contact hole commonly does not overlap the [second] contact hole" (page 3, Paper No. 25). The Applicants respectfully disagree. The Official Action has not shown a proper basis for showing that the first contact hole commonly does not overlap the second contact hole. Specifically, independent claims 25 and 33 of the present invention recite that the first hole and the second hole do not overlap with each other. On the other hand, the claims of the Yamazaki '799 patent simply recite first and second contact holes. It is noted that the patent principally underlying the double patenting rejection is not considered prior art. The claims of Yamazaki '799 do not teach or suggest that the first hole and the second hole do not overlap with each other. Therefore, the Applicants respectfully submit that the subject application is patentably distinct from the claims of the Yamazaki '799 patent. Reconsideration of the obviousness-type double patenting rejection is requested.

Paragraph 3 of the Official Action rejects claims 4, 9, 14, 20 and 22-53 under the doctrine of obviousness-type double patenting over the claims of copending U.S. Patent Application No. 90/006,102 to Yamazaki. The Applicants respectfully traverse the obviousness-type double patenting rejection because the independent claims of the present invention are patentably distinct from the claims of the Yamazaki '102 reexamination application. Specifically, the independent claims of the present invention are directed to a device. On the other hand, the claims of the Yamazaki '102 application are directed to a method. It is again noted that the patent principally underlying the double patenting rejection is not considered prior art. The claims of Yamazaki '102 do not teach or suggest a device. Therefore, the Applicants respectfully submit that the subject application is patentably distinct from the claims of the Yamazaki

'102 application. Reconsideration of the obviousness-type double patenting rejection is requested.

Paragraph 5 of the Official Action rejects claims 4, 9, 14, 20 and 22-53 as obvious based on the combination of JP 01-156725 to Matsueda and U.S. Patent No. 5,055,899 to Wakai et al. The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of independent claims 4, 9 and 14, as amended. Independent claims 4, 9 and 14 have been amended to recite a device having at least one display panel, the display panel having a plurality of pixels, each of which comprising at least first and second thin film transistors. Matsueda and Wakai do not teach or suggest at least the above features of the present invention.

Independent claims 25 and 33 recite a lead electrode comprising aluminum formed over an interlayer insulating film and electrically connected to one of the source or drain regions of a thin film transistor through a first hole of the interlayer insulating film; a pixel electrode formed over an organic resin film, the pixel electrode being electrically connected to the thin film transistor via the lead electrode and through a second hole of the organic resin film; where the first hole and the second hole do not overlap with each other. This feature is shown, for example, in Fig. 7(I). The Official Action asserts that Fig. 4 of Matsueda teaches "a pixel electrode 48 formed on the organic resin film and connected to TFT-element through a contact hole" (page 4, Paper No. 25). However, the first hole of the present invention is related to the connection between the lead electrode and one of the source and drain regions, and the second hole of the present invention is related to the connection between the pixel electrode and the thin film transistor via the lead electrode. In contrast, the pixel electrode of Matsueda is directly connected to the source or drain of the TFT through one contact hole. Therefore, Matsueda and Wakai do not teach or suggest a lead electrode comprising aluminum formed over an interlayer insulating film and electrically connected to one of the source or drain regions of a thin film transistor through a first hole of the interlayer insulating film; a pixel electrode formed over an organic resin film, the pixel electrode being electrically connected to the thin film transistor via the lead electrode and through a second hole of the organic resin film; where the first hole and the second hole do not overlap with each other.

Wakai does not cure the deficiencies in Matsueda. The Official Action relies on Wakai to allegedly teach a contact metal film (page 4, Paper No. 25). Matsueda and Wakai, either alone or in combination, do not teach or suggest a device having at least one display panel, the display panel having a plurality of pixels, each of which comprising at least first and second thin film transistors; or a lead electrode comprising aluminum formed over an interlayer insulating film and electrically connected to one of the source or drain regions of a thin film transistor through a first hole of the interlayer

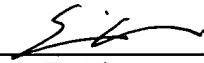
insulating film; a pixel electrode formed over an organic resin film, the pixel electrode being electrically connected to the thin film transistor via the lead electrode and through a second hole of the organic resin film; where the first hole and the second hole do not overlap with each other.

Since Matsueda and Wakai do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New claims 54-66 have been added to recite additional protection to which the Applicants are entitled. For the reasons stated above, the Applicants respectfully submit that new claims 54-66 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



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